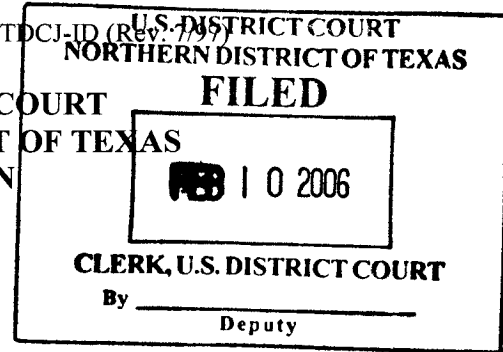


COMPLAINT UNDER 42 USC § 1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 1997)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA DIVISION



BOBBY BROWN 1124005

Plaintiff's name and ID Number

JAMES ALFRED UNIT

Place of Confinement

CASE NO: 7-06CV-023-R  
(Clerk will assign the number)

v.

DEBORAH FORD

Defendant's name and address

GARY WEST

Defendant's name and address

LINDA K. DANIEL

Defendant's name and address

(DO NOT USE "ET AL.")

**I. PREVIOUS LAWSUITS:**

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? X YES \_\_\_\_\_ NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
1. Approximate date of filing lawsuit: JANUARY 2001
  2. Parties to previous lawsuit:  
Plaintiff(s): BOBBY BROWN  
Defendant(s): JERRY GROOM ET AL
  3. Court (If federal, name the district; if state, name the county) SOUTHERN
  4. Docket Number: C-01-005
  5. Name of judge to whom case was assigned: B. JANICE ELLINGTON
  6. Disposition: (Was the case dismissed, appealed, still pending?)  
DEFENDANTS ARE APPEALING DISTRICT COURT'S RULING
  7. Approximate date of disposition: MAY 2004

## SANCTIONS

~~P-03 - CV-083~~

P-03 - CV-076

P-03 - CV-087

P-03 - CV-081

P-03 - CA-064

P-03 - CV-103

SANCTIONS DATE JUNE 2004

ALL WESTERN PECOS DIVISION

CASES. THEY WERE DISMISSED

BECAUSE OF THE THREE STRIKE

RULE.

II. PLACE OF PRESENT CONFINEMENT: JAMES AIKED UNIT

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? X YES      NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

STEP 2 DENIED JULY 27, 2005

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: BOBBY BROWN 1124005  
2101 FM 369 N. IOWA PARK, TX 76367

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: DAVID JOHNSON - CORRECTIONAL OFFICER  
AIKED UNIT 2101 FM 369 N. IOWA PARK, TX 76367

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

SEE ATTACHMENT

Defendant #2: DANNY HORTON - WARDEN AIKED UNIT  
2101 FM 369 N. IOWA PARK, TX 76367

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

SEE ATTACHMENT

Defendant #3: FRANK HOPE - ACCESS TO COURTS Admin.  
P.O. BOX 99 HUNTSVILLE, TEXAS 77340

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

SEE ATTACHMENT

Defendant #4: TOMMY NORWOOD - MAJOR - AIKED UNIT  
2101 FM 369 N. IOWA PARK, TX 76367

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

SEE ATTACHMENT

Defendant #5: RICHARD WATHEN - ASST. WARDEN AIKED UNIT  
2101 FM 369 N. IOWA PARK, TX 76367

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

SEE ATTACHMENT

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases of statutes. If you intent to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

SEE ATTACHMENT

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

SEE ATTACHMENT

BOBBY BROWN

156346 914095

X YES \_\_\_\_\_ NO

1. Court that imposed sanctions (If federal, give district and division): WESTERN

2. Case Number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? X YES \_\_\_\_\_ NO

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES \_\_\_\_\_ NO

# Attachment

Plaintiff contends that the Defendants has denied him access to the courts by denying him access to the law library to do research and properly respond to all court orders and deadlines. Plaintiff will show each Defendant's role in said deprivations of rights.

1. DEBORAH FORD ALKED UNIT LAW LIBRARY SUPERVISOR HAS DELIBERATELY DENIED ME ACCESS TO THE LAW LIBRARY ON SOME 25 TIMES. AS OF JAN. 18, 2006 SHE HAS ORDERED WEST, DANIEL AND JOHNSON TO DENY ME ACCESS TO THE LAW LIBRARY PERIOD. SHE HAS BANNED ME FROM THE LAW LIBRARY. I CANNOT COME TO THE LAW LIBRARY THUS DENYING ME ACCESS TO THE COURTS. SUCH CONDUCT VIOLATES MY 1<sup>ST</sup>, 5<sup>TH</sup>, 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS TO THE U.S. CONSTITUTION.
2. GARY WEST HAS WRITTEN ME FALSE DISCIPLINARY CASE BECAUSE I FILED A GRIEVANCE HIS BOSS. HE REFUSES TO LAY ME IN TO ATTEND THE LAW LIBRARY. HE REFUSES GIVE ME MY TEN HOURS PER WEEK LAW LIBRARY. HE SAYS HE DOES WHAT HIS BOSS TELLS HIM. REGARDLESS AS TO HOW MANY REQUESTS I SUBMIT TO ATTEND THE LAW LIBRARY HE THROWS SOME OF THEM AWAY. TO DENY ME ACCESS TO THE LAW LIBRARY A MINIMUM OF TEN HOURS A WEEK VIOLATES TDCJ RULES AND POLICIES ON ACCESS TO COURTS. HE'S VIOLATING MY CONSTITUTIONAL

RIGHTS DELIBERATELY. HIS UNLAWFUL ACTIONS HAS HAMPERED MY ACCESS TO THE COURTS AND DENYING ME MY RIGHT TO BE HEARD IN COURT AS WELL AS SEEK REDRESS FROM THE COURT.

3. LINDA K. DANIEL REFUSES TO HONOR MY REQUEST TO ATTEND THE LAW LIBRARY AND SAYS SHE DOES WHAT HER BOSS (FORD) TELLS HER TO DO AND FORD TOLD HER TO NOT LET ME COME TO THE LAW LIBRARY. SUCH ACTION IS UNLAWFUL AND DENIES ME MY GUARANTEED RIGHT TO ACCESS TO THE COURTS AND VIOLATES MY 1<sup>ST</sup> 5<sup>TH</sup> 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS TO THE U.S. CONSTITUTION.

4. DAVID JOHNSON REFUSES TO HONOR MY REQUESTS FOR LAY-IN PASSES TO ATTEND THE LAW LIBRARY. HE TOO SAYS HIS BOSS (FORD) TOLD HIM NOT TO LET ME IN TO COME TO THE LAW LIBRARY. DEFENDANT JOHNSON KNOWS THAT HE IS VIOLATING MY CONSTITUTIONAL RIGHTS BUT BECAUSE HIS BOSS (FORD) TOLD HIM TO DENY ME MY RIGHT TO ACCESS TO THE LAW LIBRARY TEN HOURS PER WEEK AND MY ACCESS TO THE COURTS HE HAS TO DENY ME.

5. DANNY HORTON IS THE WARDEN ON ALFRED UNIT AND HAS THE AUTHORITY TO STOP ANY UNCONSTITUTIONAL AND UNLAWFUL ACTIONS OF ANY OF HIS EMPLOYEES

PAGE (3)

BUT REFUSES TO SO. I HAVE WRITTEN WARDEN HORTON SEVERAL I-60's AND LETTERS TELLING HIM ABOUT FORD WES, DANIEL AND JOHNSON DENYING ME ACCESS TO THE LAW LIBRARY AND ACCESS TO THE COURTS AND HE REFUSES TO STOP THEM. ATTACHED HERETO IS SEVERAL COPIES OF LETTERS + I-60's TO HIM. ACCORDING TO AD-03.40 POLICY STATES IN PART THAT THE WARDEN AND BUILDING MAJOR SHALL BE NOTIFIED WHEN THEIR OFFICERS VIOLATES THE ACCESS TO COURTS POLICY IN ANY WAY. I DID EXACTLY THAT MANY TIMES AND WARDEN HORTON REFUSES TO REPLY. BECAUSE HE WAS AWARE AND WAS GIVEN SEVERAL CHANCES TO CORRECT THE PROBLEM AND HE CHOSE NOT TO HE IS LIABLE ACCORDING TO LAW.

6. FRANK HOKE IS THE ADMINISTRATOR OF ACCESS TO COURTS IN TDCS. I SENT HIM SEVERAL I-60's AND LETTERS COMPLAINTS EXPLAINING TO HIM THAT FORD WAS DENYING ME MY MINIMUM GUARANTEED TEN HOURS PER WEEK IN THE ALLED UNIT LAW LIBRARY AND SUCH DENIALS WAS INTERFERING WITH MY FIVE CASES THAT'S PENDING IN COURT FOR ME. I EXPLAINED TO HIM THAT FORD HAS A RACIAL PROBLEM AND DISCRIMINATES AGAINST BLACKS ALL THE TIMES. SHE TOLD ME SHE HATES MY GUTS AND I TOLD HOKE BUT HE REFUSED TO STOP HER. HE IS HER SUPERVISOR AND HAS THE AUTHORITY TO STOP ANY AND ALL UNLAWFUL ACTIONS



Page 8

BY HIS SUBORDINATES AND HE CHOSE NOT TO. THEREFORE HE'S RESPONSIBLE FOR THEIR UNLAWFUL CONTINUED ACTIONS.

7. TOMMY NORWOOD IS THE BLDG. MAJOR ON ALLIED UNIT AND HAS THE AUTHORITY TO STOP ANY UNLAWFUL AND UNCONSTITUTIONAL ACTIONS BY ANY EMPLOYEES THAT'S A CAPTAIN AND BELOW. I SENT MAJOR NORWOOD SEVERAL I-60's AND LETTERS TELLING HIM AND MAKING HIM AWARE OF THE WHOLE SITUATION. HE CHOSE NOT TO STOP FORD AND HER CREW SO HE'S JUST AS LIABLE ACCORDING TO LAW.
8. RICHARD WATHEN IS THE ASSISTANT WARDEN ON ALLIED UNIT AND HAS AUTHORITY OVER ALL EMPLOYEES THAT'S A MAJOR AND BELOW. I WROTE HIM SEVERAL I-60's EXPLAINING TO HIM THAT I WAS BEING DENIED ACCESS TO THE COURTS BY FORD AND CREW AND HE REFUSED TO STOP HER UNLAWFUL ACTIONS. THEREFORE HE IS EQUALLY LIABLE.

### RELIEF SOUGHT

BECAUSE DEFENDANTS ARE VIOLATING POSTED LAWS, RULES ETC AND IS MOST FAMILIAR WITH THE LAWS ON ACCESS TO COURTS THEIR ACTIONS ARE PUNITIVE IN NATURE AND ARBITRARY TO DELIBERATELY DEPRIVE



PAGE (5)

PLAINTIFF OF HIS GUARANTEED RIGHT OF ACCESS TO COURTS PLAINTIFF REQUEST AN INJUNCTION TO PREVENT AND STOP THE ABOVE UNLAWFUL ACTIONS. PLAINTIFF IS DENIED TO ATTEND THE LAW LIBRARY IN A ARBITRARY WAY. SUCH DENIAL PREVENTS HIM FROM RESPONDING TO ANY COURT ORDERS ETC REGARDING THE FIVE PENDING CASES HE'S INVOLVED IN. SO PLAINTIFF SEEKS A TEMPORARILY INJUNCTION TIL A PERMENANT ONE CAN BE ISSUED.

PLAINTIFF SEEKS ACTUAL DAMAGES IN THE AMOUNT OF \$15,000 FROM EACH DEFENDANT

PLAINTIFF SEEKS PUNITIVE DAMAGES IN THE AMOUNT OF \$15,000 FROM EACH DEFENDANT

PLAINTIFF IS SUING EACH DEFENDANT IN HIS/HER OFFICIAL AND INDIVIDUAL CAPACITIES

PLAINTIFF DEMANDS A TRIAL BY JURY

PLAINTIFF SEEKS PROTECTIVE CUSTODY TIL A TRIAL IS HAD. SUCH PROTECTIVE CUSTODY BE IN FEDERAL CUSTODY

1. Court that imposed warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date warning were imposed: \_\_\_\_\_

Executed on: FEB. 1, 2006  
(Date)

BOBBY BROWN  
(Printed Name)

Bobby Brown  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$250 filing fee and costs assess by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 1<sup>ST</sup> day of FEBRUARY, 20 06.  
(Day) (Month) (Year)

BOBBY BROWN  
(Printed Name)

Bobby Brown  
(Signature of Plaintiff)

**WARNING:** The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

WICHITA DIVISION

BOBBY BROWN 1124005  
PLAINTIFF,

X

SUMMONS

X

V.

X

CA. NO. \_\_\_\_\_

DEBORAH FORD

X

GARY WEST

LINDA K. DANIEL

DAVID JOHNSON

DANNY HOLTEN

RICHARD WATHEN

TOMMY NORWOOD  
FRANK HUK

INDIVIDUALLY AND IN THEIR  
OFFICIAL CAPACITIES.

DEFENDANTS.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE  
UPON PLAINTIFF WHOSE ADDRESS IS 2101 FM 369N. IDOLAH PARK, TX 76347  
AN ANSWER TO THE COMPLAINT WHICH HEREWITH SERVED UPON  
YOU WITHIN 20 DAYS AFTER SERVICE OF THIS SUMMONS  
UPON YOU, EXCLUSIVELY OF THE DAY OF SERVICE.  
IF YOU FAIL TO DO SO JUDGMENT OF DEFAULT

WILL BE TAKEN AGAINST YOU FOR THE RELIEF  
DEMANDED IN THE COMPLAINT.

SERVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006.

SINCERELY

CLERK OF COURT

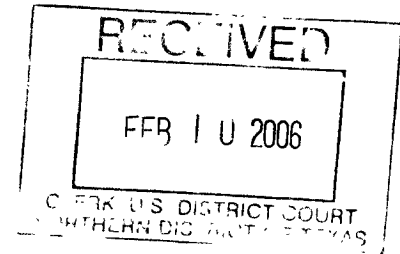
FEB. 1, 2006

CLERK

U.S. DISTRICT COURT

P.O. BOX 1234

Wichita Falls, TX 76307



DEAR CLERK:

ENCLOSED PLEASE FIND THE ORIGINAL AND ONE COPY OF MY 1983 CIVIL RIGHTS COMPLAINT AND TWO SUMMONS, PLEASE. FILE THESE PAPERS WITH THE COURT ASAP. UPON FILING THESE PAPERS, SEND ME THE CAUSE NUMBER SO THAT I CAN HAVE MY FAMILY TO SEND YOU THE \$250 FILING FEE. THANKS.

Sincerely,

Bobby Brown  
PLAINTIFF PRO SE

Bobby Brown 1124005  
ALLRED UNIT  
2101 FM 369 N.  
IDWA PARK, TX 76367

CC:

BOBBY BROWN 1124005

ALLRED U.S. MAR

2101 Fm 369 W.

IOWA PARK, TX 76367

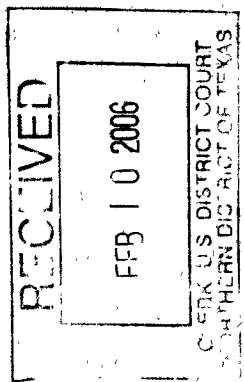
8K-55



Box 1234  
Wichita Falls, TX 76307

CLERK

NAME \_\_\_\_\_  
1st Notice \_\_\_\_\_  
2nd Notice \_\_\_\_\_  
Return \_\_\_\_\_



U.S. District Court  
P.O. Box 1234  
~~1000 S. KATAC ST.~~  
P.O. Box 1234  
Wichita Falls, Texas 76307